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| 10/759,704      | 01/15/2004  | Fang Yang            | 17646-111001 / 20000243 | 8440             |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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2154

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/759,704 | <b>Applicant(s)</b><br>YANG ET AL. |  |
|                              | <b>Examiner</b><br>Ashok B. Patel    | <b>Art Unit</b><br>2154            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) 2,7,10,15,18 and 23 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-6,8,9,11-14,16,17,19-22, 24 and 25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-25 are subject to examination. Claims 2, 7, 10, 15, 18 and 23 have been cancelled.

### ***Response to Arguments***

2. Applicant's arguments filed 04/17/2006 have been fully considered but they are not persuasive for the following reasons:

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### **Rejections Under 35 U.S.C. § 102 Based on Faulkner**

**CLAIMS 1, 3, 5, 6, 8, 9, 11, 13, 14, 16, 17, 19, 21, 22, AND 24**

#### **Applicant's argument:**

"However, from the cited portion of the disclosure of Faulkner, it appears that this display is not updated dynamically as new "real-time" SNMP data is obtained. For instance, paragraphs (0023) and 10024) do not describe a display that is dynamically updated based on real-time information. For at least this reason, the rejection of claims 1, 9, and 17 based on Faulkner is improper and should be withdrawn."

#### **Examiner's response:**

Faulkner teaches at para. [0108], "Periodically or on-demand, the network monitoring system may query the device, as shown in step 510. The device may

Art Unit: 2154

provide response data to the network monitoring system. The network monitoring system may interpret these results and provide the response data or interpreted response data to a user or user interface, as shown in step 512. The network monitoring system may convert units and numerical types, replace integers with corresponding entries in an enumerated list, replace descriptive names, and perform other functions in accordance with the device definition file to provide the interpreted response data to the user.”

Further, Faulkner substantiates its teachings also at para. [0024], “The appliance may also include nonvolatile memory for maintaining state information in the event of power loss. The information stored in nonvolatile memory may include: device definition files (DDFs), configuration files, the values of the RTC for the beginning and end of the period that network performance data was measured, the last known state of network devices, and threshold data.”

Furthermore, Faulkner teaches at para. [0020] The network management system 102 may query the network device 108 periodically or on prompting by a user 106. The network management system 102 may monitor the performance of the network device 108 by periodically querying the network device 108 with the queries associated with the device definition file 104. Alternately, a user 106 may request information or data regarding network device 108. In response to this request, the network management system 102 may access the network device 108 with queries associated with the device definition file 104. **In either case, the network device 108 returns response data, which**

is then augmented with supplemental data and unit conversions associated with the device definition file 104 and provided to the user 106."

Thus, monitoring the devices is done periodically and provide data to user interface. Thus, Faulkner teaches " dynamically presenting the real-time information through a display." as claimed.

**Applicant's argument:**

"For example, claims 6, 14, and 22 include the feature of a polling configuration file comprising an associated polling interval for each hardware characteristic. As another example, claims 8, 16, and 24 include the feature of the a first and a second window, the first window comprising a hierarchical tree structure of hardware characteristics, the second window comprising a tabular display of information associated with a hardware characteristic selected in the hierarchical tree structure. At least these features recited within claims 6, 8, 14, 16, 22, and 24 are not disclosed by Faulkner."

**Examiner's response:**

Faulkner teaches at para. [0017], "A large number of networkable devices conform to Simple Network Management Protocol (SNMP). Each of these devices has a management information base (MIB) that may contain several thousand entries or object identifications (OID). A few of these OIDs relate to environmental and physical conditions such as temperature, power quality, and fan speed. Some other OIDs may relate to current, voltage, humidity, dew point, audio, and motion. Other OIDs provide descriptions relating to OIDs having numerical values. The present disclosure

describes a system and method for accessing, collecting, and storing selected data using SNMP, MIBs, and OIDs."

Faulkner teaches at para. [0019], "The network management system 102 may be coupled to the network device 108 through the network and may communicate using network management protocols, such as Simple Network Management Protocol (SNMP), and other communications protocols. For example, the network management system 102 may use the query instructions associated with the device definition file 104 to make an SNMP query to the network device 108. The query may, for example, request physical and environmental data such as temperature, fan speeds, and power quality. In other examples, the data may include current, voltage, humidity, dew point, audio information, and motion information."

Faulkner teaches at para. [0108], "Periodically or on-demand, the network monitoring system may query the device, as shown in step 510. The device may provide response data to the network monitoring system. The network monitoring system may interpret these results and provide the response data or interpreted response data to a user or user interface, as shown in step 512.

Thus, Faulkner teaches "a polling configuration file comprising an associated polling interval for each hardware characteristic."

Fig.6 of Faulkner shows "the a first and a second window, the first window comprising a hierarchical tree structure of hardware characteristics, the second window comprising a tabular display of information associated with a hardware characteristic selected in the hierarchical tree structure."

## **CLAIM 25**

### **Applicant's argument:**

"This is not analogous to the claimed feature at least because the cited passage in Faulkner only describes recording the beginning and end of a single monitoring period during which all of the relevant network performance data obtained. In contrast, the claimed feature includes a polling interval for each retrieved hardware characteristic. For at least this reason, the rejection of claim 25 is improper and should be withdrawn."

### **Examiner's response:**

Faulkner teaches at para. [0108], "Periodically or on-demand, the network monitoring system may query the device, as shown in step 510. The device may provide response data to the network monitoring system. The network monitoring system may interpret these results and provide the response data or interpreted response data to a user or user interface, as shown in step 512. The network monitoring system may convert units and numerical types, replace integers with corresponding entries in an enumerated list, replace descriptive names, and perform other functions in accordance with the device definition file to provide the interpreted response data to the user."

## **Rejections Under 35 U.S.C. § 103 Based on Faulkner and Fung**

### **Applicant's argument:**

"As a result, the motivational statement included in the 1/18/2006 Office Action amounts to impermissible "hindsight." See *id.* For at least this reason the rejection of claims 4, 12, and 20 is improper and must be withdrawn."

**Examiner's response:**

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 5, 6, 8, 9, 11, 13, 14,16, 17,19, 21, 22, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Faulkner et al.(hereinafter Faulkner) (US 2003/0208480 A1)



**Referring to claim 1,**

Faulkner teaches a method for monitoring hardware information associated with a plurality of distinct network devices (para.[0017]) in an enterprise system (para.[0004]) comprising:

invoking a flexible configuration file, the flexible configuration file comprising a first location directive to retrieve parameters from a first network device and a second location directive to retrieve parameters from a second network device, the first network device comprising a first device type and the second network device comprising a second device type (para.[0003], [0017], "A large number of networkable devices conform to Simple Network Management Protocol (SNMP). Each of these devices has a management information base (MIB) that may contain several thousand entries or object identifications (OID).“ [0018],” The data preparation system has a set of mechanisms to prepare a data file that isolates and surfaces the pertinent OIDs for a specified network-attached device, optionally adds supplemental data, and performs unit conversions. The network monitoring system displays the results from the data preparation system in a user-interface, in which typical SNMP-based monitoring activities can be performed by the user.”);

remotely retrieving real-time hardware information associated with the first network device based on the first location directive, the hardware information including information on one or more hardware characteristics (para. [0017], [0018], [0023]); and dynamically presenting the real-time information through a display. (Fig.6, para.[0023],[0024])

**Referring to claim 3,**

Faulkner teaches the method of claim 1, the hardware information comprising chassis component information. (para.[0003], [0017], [0018])

**Referring to claim 5,**

Faulkner teaches the method of claim 1, further comprising selecting a second location directive of the flexible configuration file to retrieve hardware information associated with a second of the network devices. (para.[0018])

**Referring to claim 6,**

Faulkner teaches the method of claim 1, further comprising:

polling the particular network device based on a polling configuration file, the polling configuration file comprising an associated polling interval for each hardware characteristic; receiving updated hardware information associated with the network device at each associated polling interval; and dynamically displaying the updated hardware information. (para.[0024])

**Referring to claim 8,**

Faulkner teaches the method of claim 1, the interactive display comprising a first and a second window, the first window comprising a hierarchical tree structure of hardware characteristics, the second window comprising a tabular display of information associated with a hardware characteristic selected in the hierarchical tree structure. (Fig. 6).

**Referring to claim 9,**

Art Unit: 2154

Claim 9 is a claim to a software for monitoring hardware information associated with a network element in accordance with the method of claim 1. Therefore, claim 9 is rejected for the reasons set forth for claim 1.

**Referring to claim 11,**

Claim 11 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 3. Therefore, claim 11 is rejected for the reasons set forth for claim 3.

**Referring to claim 13,**

Claim 13 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 5. Therefore, claim 13 is rejected for the reasons set forth for claim 5.

**Referring to claim 14,**

Claim 14 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 6. Therefore, claim 14 is rejected for the reasons set forth for claim 6.

**Referring to claim 16,**

Claim 16 is a claim to software for monitoring hardware information associated with a network element in accordance with the method of claim 8. Therefore, claim 16 is rejected for the reasons set forth for claim 8.

**Referring to claim 17,**

Art Unit: 2154

Claim 17 is a claim to a system for monitoring information associated with a network element in accordance with the method of claim 1. Therefore, claim 17 is rejected for the reasons set forth for claim 1.

**Referring to claim 19,**

Claim 19 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 3. Therefore, claim 19 is rejected for the reasons set forth for claim 3.

**Referring to claim 21,**

Claim 21 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 5. Therefore, claim 21 is rejected for the reasons set forth for claim 5.

**Referring to claim 22,**

Claim 22 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 6. Therefore, claim 22 is rejected for the reasons set forth for claim 6.

**Referring to claim 24,**

Claim 24 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 8. Therefore, claim 24 is rejected for the reasons set forth for claim 8.

**Referring to claim 25,**

Art Unit: 2154

Faulkner teaches a method for monitoring hardware information associated with a plurality of distinct network device in an enterprise system (para.[0017], [0004]) comprising:

invoking a flexible configuration file, the flexible configuration file comprising a first location directive to retrieve parameters from a first network device and a second location directive to retrieve parameters from a second network device, the first network device comprising a first device type and the second network device comprising a second device type(para.[0003], [0017], "A large number of networkable devices conform to Simple Network Management Protocol (SNMP). Each of these devices has a management information base (MIB) that may contain several thousand entries or object identifications (OID)." [0018], "The data preparation system has a set of mechanisms to prepare a data file that isolates and surfaces the pertinent OIDs for a specified network-attached device, optionally adds supplemental data, and performs unit conversions. The network monitoring system displays the results from the data preparation system in a user-interface, in which typical SNMP-based monitoring activities can be performed by the user.");

remotely retrieving real-time hardware information associated with the first network device based on the first location directive, the hardware information including information on one or more hardware characteristics; remotely retrieving real-time hardware information associated with the second network device based on the second location directive, the hardware information including information on one or more hardware characteristics (para. [0017], [0018], [0023]);

dynamically displaying the information through an interactive display (Fig.6, para.[0023],[0024])

polling the first network device based on a polling configuration file, the polling configuration file comprising an associated polling interval for each hardware characteristic retrieved (para.[0024]); receiving updated hardware information associated with the network device at each associated polling interval (para.[0024]); and

dynamically displaying the updated hardware information (Fig.6, para.[0023],[0024]).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner et al.(hereinafter Faulkner) (US 2003/0208480 A1) in view of Fung (US 2003/0200473 A1)

#### **Referring to claim 4,**

Keeping in mind the teachings of Faulkner as stated above, although Faulkner teaches a few of these OIDs relate to environmental and physical conditions such as temperature, power quality, and fan speed (fan status) ([para.0019]), power supply status and module card status (Fig. 6) specifically fails to explicitly teach memory usage and Central Processing Unit (CPU) usage.

Fung teaches the method of claim 1, each hardware characteristic selected from the group consisting of: memory usage (page 29, Table III, page 20, para.[190]); chassis temperature (page 8, para.[0079]); Central Processing Unit (CPU) usage (page 12, para.[107]); fan status (page 15, para.[0142], page 16, para.[0154]); module card status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15, para. [0143]).

Therefore, it would have been obvious for one having an ordinary skill in the art at the time the invention was made to include all these parameters be monitored for each of the devices by configuring the DDF as suggested by Faulkner.

It would have been obvious because Faulkner gives the DDF build up technology for each of the desired devices on the network to be monitored while Fung just shows what to monitor with suggesting that these parameters can also be retrieved through the industry's standard SNMP MIB.

**Referring to claim 12,**

Claim 12 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 4. Therefore, claim 12 is rejected for the reasons set forth for claim 4.

**Referring to claim 20,**

Claim 20 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 4. Therefore, claim 20 is rejected for the reasons set forth for claim 4.

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.




Art Unit: 2154

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp

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